



Office of the Town Attorney

Memo

To: Tobin Sidles
From: Rachel Mooney, Office Assistant
Date: December 27, 2010
Re: Medical Marijuana

The following is the culmination of my research on both Colorado's and Montana's Medical Marijuana regulations.

Below are a few items Colorado has included in their Medical Marijuana regulations while Arizona has not.

1. Patients must stay with their primary dispensary for at least 120 days.
2. Sellers of medical marijuana must wear photo identification badges during business operating hours.
3. Medical Marijuana shops will close for business each day by 7 p.m.
4. Seized medical marijuana plants do not need to be kept alive.
5. For safety and sanitation purposes, some pesticides have been banned while others have limitations (specifics were not given).
6. Included in the rules for safe production of medical marijuana, Colorado's regulations state lab quality metals and/or glass may be used, no plastics.

Upon reading Montana's Medical Marijuana Act Initiative I thought the following should be given some consideration for Arizona's Medical Marijuana Program Guidelines.

Montana has the following sections which Arizona does not:

- "Limitations of medical marijuana act"
- "Fraudulent representation of medical use of marijuana – penalty"
- "Criminal distribution of dangerous drugs"
- "Criminal possession of dangerous drugs"
- "Criminal possession with intent to distribute [dangerous drugs]"
- "Criminal production or manufacture of dangerous drugs"

Although I am unsure if these are pertinent for the Arizona regulations, I have attached the Montana Medical Marijuana Act Initiative No. 148 so you may review them.

I am willing to look up any further information you may need, so please do not hesitate to ask.

Kim - FYI



Office of the Oro Valley Prosecutor

11000 N. La Canada Drive

Oro Valley, Arizona 85737

Tel. (520) 229-4760 Fax (520) 229-4774

<http://www.orovalleyaz.gov>

Tobin C. Sidles

Town Prosecutor

Troy A. Simon
Assistant Town Prosecutor

Sheila Moeur
Senior Paralegal

Caroline Standiford
Legal Secretary

Memo

To: Tobin Sidles

From: Caroline, Prosecutor's Office

Date: January 5, 2011

Re: Medical Marijuana

Upon reviewing the current corrections to the Colorado marijuana act, as well as several articles about the subject, I have come up with a few items which may need to be addressed by the Arizona Department of Health Services. However, from my research I was able to discover that Arizona is aware and is taking precautions in preventing the recreational use of marijuana under the guise of medicinal usage. There are some aspects of the bill which are overly strict, almost to the point of discouraging dispensaries from forming, and while the strictness of the regulations may need to be reviewed, I believe that many of the rules set forth by the Department of Health Services are necessary in light of the problems California and Colorado are facing. There needs to be regulation to closely monitor the distribution of marijuana and marijuana infused products so to prevent recreational disbursement.

Supporters of this act believe that the rules and regulations set forth by the Department of Health Services are too stringent and must be brought down to a level to make it easier for people to obtain registry cards, for physicians to write recommendations and for dispensaries to form. Since this act, and every act like it throughout the United States, is not supported by the Federal Government, I believe that making this act less stringent is a mistake which will force Arizona to face the problems and California and Colorado are already facing. Without federal support of marijuana usage the states must set forth rules and regulations which hold all parties accountable. If a person has a debilitating disease and requires medicinal marijuana, then through proper medical evaluation they should be able to obtain their registry. These rules will be in place to prevent the recreational use of these cards, thus protecting the voter's intentions.

Prime issues to be reinforced:

- 1) Physicians must be in good standing with the Arizona State Medical Board and the Department of Health. This would also be inclusive of those practicing Naturopathy and physicians practicing Naturopathy must maintain standing with the Arizona Naturopathy Association as well and the state medical board.
- 2) Proposition 203 requires that the physician establish and or maintain a "bona fide physician-patient relationship". I believe this is critical in preventing the recreational distribution of marijuana. Should a patient seek to obtain a registry card from a clinic, then the attending physician must perform a comprehensive medical evaluation. Not a simple look over allowing the patient to obtain a registry card.
- 3) Requirements for dispensaries to obtain a license are fairly strict, however this may be necessary to prevent the over population of dispensaries throughout the state. Without strict requirements the state is in danger of being over run with dispensaries that may or may not be reputable. I believe that the standards need to be held to a higher standard as this is state governed and not yet approved by federal law. Precautions must be taken to ensure the medicinal use of marijuana and infused marijuana products.

Issue to be added, revisited or omitted.

- 1) DHS's need for video surveillance of each dispensary. I fail to understand the reasoning behind the need for mandatory video equipment. It should be up to the dispensary's principal officer to require surveillance of his business.
- 2) There may need to a limit on how many recommendations a physician may write within a defined period of time. In essence this would hold the physician accountable and ensure that he is conscious of the seriousness of his recommendation.

While there are may be many more issues which will need to be addressed, the issues I have provided seem to be ones that stand out the most. These issues seem to be critical to the success of this act and in ensuring that the "medicinal" portion of the act remains just that, for medical use.